

# The *Indultados* of Tescua: Criminal Rebellion and Judicial Reckoning during the War of the Supremes

*Los indultados de Tescua: rebelión criminal y decisión judicial durante la Guerra de los Supremos*

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**ABSTRACT**

In 1841 the public of Bogotá followed the trial of 22 prisoners charged with the crime of rebellion during the War of the Supremes. Captured while serving as officers at the battle of Tescua, the accused claimed they had been forced to serve in the rebel army. This excuse was ignored and 21 of the defendants were sentenced to death, only to be spared by decrees of indulto in the following months. This article examines the logic behind such judicial reckoning, the narrative strategies employed by the accused in their defense, and the meaning of clemency in the early republic.

**Key words:** War of the Supremes, *indultos*, death penalty, state theater, amnesty.

**RESUMEN**

*En 1841 el público de Bogotá siguió el juicio de 22 presos acusados del delito de rebelión durante la Guerra de los Supremos. Tras haber sido capturados mientras prestaban servicio como oficiales en la batalla de Tescua, los acusados afirmaron que habían sido obligados a unirse al ejército rebelde. Esta excusa fue ignorada y 21 de los acusados fueron condenados a muerte, sólo para ser salvados por decretos de indulto en los meses siguientes. El artículo analiza la lógica de la decisión judicial, las estrategias narrativas empleadas por los acusados en su defensa y el significado de clemencia en la primera república.*

**Palabras clave:** Guerra de los Supremos, *indultos*, pena de muerte, teatro estatal, *amnistía*.

## Introduction

On the morning of September 24, 1841, the condemned prisoners Ramón Acevedo and José Azuero were taken to the central plaza in Bogotá, where they were to be executed for the crime of rebellion and sedition. Acevedo, who had served as a colonel in the army of the “Supreme of the Atlantic Coast” Francisco Carmona, the leader of one of the many regional rebellions that set itself against the regime in Bogotá during the War of the Supremes (1839-1842), had been captured by the forces of General Tomás Cipriano Mosquera after the government victory at the Battle of Tescua on April 1. Mosquera had ordered Acevedo’s summary execution but junior officers intervened, temporarily saving him by insisting that he be tried. With twenty-one other prisoners, Acevedo had been taken to Bogotá, tried, found guilty, and sentenced to death, as were twenty of his co-defendants.<sup>1</sup> Though numerous appeals for clemency were denied, Acevedo was finally spared on the very morning of his scheduled execution. News of the reprieve was not made public until the Archbishop Manuel Mosquera, brother of the vengeful general, came to the plaza bearing the news that late in the night, Juan de Dios de Aranzazu—minister of the interior, head of the council of state, and acting president while sitting president Pedro Herrán led the military effort—had issued an *indulto*. The British Ambassador Pit Adams, responding to the requests of Acevedo’s wife and Mosquera, had met with Aranzazu late the night before. In return for an offer of British military aid in the Caribbean, Aranzazu commuted Acevedo’s sentence, from execution to exile.<sup>2</sup> Azuero, who had served as governor of the province of Socorro under the Supreme Manuel González, was executed as scheduled. Acevedo hurried out of the country.

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Three elements set this case apart from the thousands of petitions for *indulto* submitted after the civil wars and rebellions of the 1840s and 1850s.

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1. “Criminal seguida contra los individuos aprehendidos por consecuencia de la acción que tubo lugar en el campo de Téscua el 1 de Abril de 1841,” June through September, 1841. Archivo General de la Nación (AGN), Bogotá, S. República, F. Asuntos Criminales, t. 83, ff. 16-575.
  2. Fernán González González, *Para leer la política. Ensayos de historia política colombiana*, vol. 2 (Bogotá: Cinep, 1997) 142. On this story and the meeting between Acevedo’s wife and the ambassador, see Gustavo Arboleda, *Historia contemporánea de Colombia. Desde la disolución de la Antigua República de ese nombre hasta la época presente*, 3 vols. (Bogotá: Banco Central Hipotecario, 1990) 42-45.

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First, the case was widely followed, in part because it was believed that Acevedo had betrayed his command in Cartagena by actively supporting Carmona rather than opposing him in arms. Second, the moment in the plaza was the culmination of a lengthy process wherein two dozen rebel officers were condemned and then, over the course of months, grudgingly granted reprieves. Finally, the archbishop's dramatic announcement of an act of executive grace, when his brother had sought to execute the same man in anger, added high drama to what was in essence a criminal proceeding. But for all of these distinctive elements, the affair was relatively commonplace. In the quarter-century after the breakup of Gran Colombia thousands of people, the vast majority of them men, were swept up in similar processes. After, and even during, the civil wars of 1839-42, 1851, and 1854 accused rebels were captured and tried. These men hoped for, expected, or requested *indultos*. The government might deny such requests, or offer *indultos* under unfavorable conditions, or grant a pardon on the sole condition of future quiescent behavior. There were dozens of formal decrees of *indulto*, quasi-legal *indultos* promulgated by generals in the field, and thousands of individual hearings. *Indultos* were, in fact, ubiquitous in New Granada.

Eduardo Posada-Carbó has noted the need for greater attention to the question of amnesties for political crimes and this article is an initial attempt to grapple with the subject.<sup>3</sup> Sarah Chambers considers Posada-Carbó's challenge in a recent article on familial metaphors and state formation in early republican Chile in which she argues that government officials seeking to reestablish order after Independence and civil wars "linked family reunification to national reconciliation in both symbolic and tangible ways."<sup>4</sup> While Chambers focuses more on pensions than acts of clemency, both practices keyed on attempts to reconstruct how people acted in a moment of crises,

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3. Eduardo Posada-Carbó, "Preface", *In Search of a New Order: Essays on the Politics and Society of Nineteenth-Century Latin America*, ed. Eduardo Posada-Carbó (London: Institute of Latin American Studies, 1998) 5. This volume also contains an article on the use of amnesty during moments of political conflict, Eduardo A. Zimmermann, "El poder judicial, la construcción del estado, y el federalismo: Argentina, 1860-1880", *In Search of a New Order: Essays on the Politics and Society of Nineteenth-Century Latin America*, ed. Eduardo Posada-Carbó (London: Institute of Latin American Studies, 1998).
  4. Sarah C. Chambers, "The Paternal Obligation to Provide: Political Familialism in Early-Nineteenth Century Chile", *The American Historical Review* 117.4 (oct., 2012): 1123-1148.

and the state's responsibility toward them afterwards. Chambers's points about family roles are salient, but her conclusions about the importance of familial imagery in state building can only be applied to New Granada with significant qualification. A reading of close to a hundred individual appeals for *indultos* has shown that references to family were common, but seemed to have little impact on the outcome of such cases. Familialism was an element in the public culture of *indultos*, but one that seemed to factor into the politics of New Granada differently than it did into those of Chile.<sup>5</sup> This conclusion is tentative, calling for further research and clarification.

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Another point of reference for this inquiry is Georgina López González's article, "Cultura jurídica e imaginario monárquico: las peticiones de *indulto* durante el Segundo Imperio Mexicano."<sup>6</sup> In an examination of more than sixty appeals for *indulto* submitted during Maximilian's reign in Mexico, López González surveys the broader context of *indultos* from all angles, concluding that they reveal the challenges and complexity of creating a functioning legal culture in Mexico. Narrowing this focus to examine only *indultos* after civil wars promises unparalleled insights into the workings of Colombia's early republican political culture, particularly how individuals understood their place and responsibilities in the period of civil conflict. What follows is an introduction to this topic via a reading of the trail of officers captured at Tescua. While limited in some respects, this story exemplifies the potential of reading *indultos* as a tool for braiding personal histories into Colombia's national history.

### Indultos in the early republic

Larger questions concerning the wars of the early republic have been posed and analyzed by Fernán E. González, who traces political trajectories

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5. In part the difference between the two countries may be related to the greater role of regionalism in Colombia's fractious republican politics. Broader observations on *indultos* in the early republic are based, in part, on ongoing research involving individual cases. To date I have surveyed ninety petitions from Bogotá and Cundinamarca following the Melista rebellion, AGN, Bogotá, S. República, Gobernaciones, 46, rollo 71 (1854-1855); AGN, Bogotá, S. República, F. Gobernaciones 46, rollo 72, (1854-56); AGN, Bogotá, S. República, F. Gobernaciones Varias 47, rollo 190 (1854-55).
  6. Georgina López González, "Cultura jurídica e imaginario monárquico: las peticiones de *indulto* durante el Segundo Imperio Mexicano", *Historia Mexicana* 55.4 (abr-jun., 2006): 1289-1351.

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in *Para leer la política. Ensayos de historia política colombiana*, and María Teresa Uribe de Hincapié in a study coauthored with Liliana María López Lopera, *Las Palabras de la Guerra*, that delves into rhetoric, ideology, and public memory.<sup>7</sup> Though the analytical scope of these works is beyond the reach of this essay, the Tescua prosecutions expand the tools available for grappling with the messy politics of the era. In the extensive survey of printed material, Uribe de Hincapié and López Lopera examine decrees of *indulto* as one among many published sources. An examination of archival material, like the case considered here, extends that discussion across the socio-economic spectrum and corrects the inclination toward privileging elite perspectives.<sup>8</sup> Unlike legal documents and published memoirs, appeals for *indultos* came from all sorts of people and provide a glimpse into how these people viewed the world.

The quality of that glimpse and of our ability to extract a clear understanding of how those accused of rebellion chose to present the responsibilities of citizens and soldiers swept up in a civil war has clear limits. Petitions for clemency display none of the defiance presented in the texts concerning pardons analyzed by Uribe de Hincapié and López Lopera.<sup>9</sup> Indeed most of the testimony presented by those seeking *indultos* in this era is devoid of any hint that the applicant had ever adhered to the cause of the rebellion. While Natalie Davis's seminal study of appeals for clemency in early-modern France reminds us to search for hidden transcripts in such testimony, the documents from this trial are remarkable for what is explicit. In an open challenge to the charges, the accused argued that they were not guilty of

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7. See especially María Teresa Uribe de Hincapié and Liliana López, *Las palabras de la Guerra. Las guerras narradas del siglo XIX* (Medellín: Instituto de Estudios Políticos, 2003). Fernán González González, *Para leer la política*, and also "A propósito de 'Las palabras de la guerra'. Los comienzos conflictivos de la construcción del Estado nación y las guerras civiles", *Estudios Políticos* 25 (jul.-dic., 2004): 37-70.
  8. Here this article links to works on everyday life during civil war in Colombia, see Álvaro Tirado Mejía, *Aspectos sociales de las guerras civiles en Colombia*, 2.<sup>a</sup> ed. (Medellín: Colección Autores Antioqueños, 1995); Juan Carlos Jurado Jurado, "Soldados, pobres y reclutas en las guerras civiles colombianas", *Revista de Indias* 64.232 (2004): 673-696; and Aída Martínez Carreño, *La Guerra de los Mil Días. Testimonios de sus protagonistas* (Bogotá: Planeta, 1999).
  9. See the section, "La otra escritura de la guerra. La retórica contra la tiranía y la retórica del perdón", Uribe de Hincapié and López Lopera, *Las palabras de la guerra* 109-121.

seeking to overthrow the government despite serving as officers under Carmona.<sup>10</sup> Such testimony presents a dynamic wherein the defendants rebutted the accusations leveled at them by a vengeful government by throwing the question of responsibility back at their accusers. Here, the very right of the state to judge was challenged, if unsuccessfully.

That the trial of accused rebels and their petitions for clemency created a forum for this exchange was the product of both a tradition of clemency and a vibrant legal culture of petition.<sup>11</sup> Where scholars find the survival of clemency practices based on monarchical grace into an era of republican government notable, for the people of New Granada they were an

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10. Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987).
11. On indultos granted by the Spanish crown see Víctor M. Uribe-Urán, “‘Iglesia me llamo’: Church Asylum and the Law in Spain and Colonial Spanish America”, *Comparative Studies in Society and History* 49.2 (2007): 446-472; and Víctor M. Uribe-Urán, “Innocent Infants or Abusive Patriarch? Spousal Homicides, the Punishment of Indians and the Law in Colonial Mexico, 1740s-1820s”, *Journal of Latin American Studies* 38.4 (2006): 793-828. For indultos during a rebellion see John Leddy Phelan, *The People and the King: The Comunero Revolution in Colombia, 1781* (Madison: University of Wisconsin Press, 1978). On the real limits of indultos in the Colonial era see Tamar Herzog, “El rescate de una fuente histórica: los libros de visita de cárcel (El caso de Quito, 1738-1750)”, *Anuario de Estudios Americanos* 52.2 (dic., 1995): 251-261. For examples from the Independence era see *Indulto General de El Rey, 1817* (Bogotá: Imprenta de Nicomedes Lora, 1817) and María Teresa Uribe de Hincapié y Jesús María Álvarez, *Raíces del poder regional. El caso antioqueño* (Medellín: Editorial Universidad de Antioquia, 1998) anexo 73. See also *Indulto: don Pablo Morillo Teniente General de los reales exercitos, general en xefe del expedicionario pacificador* (Bogotá: Imprenta de D.B.E., 1816); Simón Bolívar, *Proclama de Bolívar al ejército español 1820*. Consultado en: <http://www.bibliotecanacional.gov.co/?idcategoria=38866>. See also Brian Loveman y Elizabeth Lira, *Leyes de reconciliación en Chile. Amnistías, indultos y reparaciones, 1819-1999, Fuentes para la historia de la República*, vol. 17 (Santiago de Chile: Ediciones de la Dirección de Bibliotecas, Archivos y Museos, 2001) 3-11. For expectations concerning indultos after Independence see *El voto de clemencia pronunciado por la Nación Venezolana, en la cuestion de la indulto para los conspiradores de Julio de 1835* (Caracas: Imprenta de A. Dameron, 1836) Consultado en Harvard University Digital Collections: <http://pds.lib.harvard.edu/pds/view/6783644>

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expected tactic deployed in moments of political unrest.<sup>12</sup> But *indultos* were not, in any sense, mundane. Such legal acts were, as K. J. Kesselring argues when examining Tudor England, “intensely theatrical political culture” that through grants of clemency, “helped to construct and renew [state] power as legitimate authority”.<sup>13</sup> In the uncertain atmosphere of the early republic, where the power of the state was inchoate, the legitimizing function of this theater was less clear. Even the question of who had the power to offer *indultos* was confused. On a number of occasions judges refused to grant them as they lacked the legal authority. Only Aranzazu, as the acting president, could offer this extra-judicial clemency. While this stand formalized the workings of the institutional state, the confused process of petitioning and sporadic schedule of replies countered any sense of order in the process. Here the ambivalent nature of the new state, so evident during the War, was manifest again.<sup>14</sup>

### Rebellion and Impressment

The first significant documents in the trial record are transcripts from the initial interrogation of the accused after they were brought to Bogotá. At this point the prisoners were questioned by the *fiscal* to determine whether they would be formally charged with the crime of rebellion as specified in

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12. On this transition see Leslie Sebba, “The Pardoning Power: A World Survey”, *Journal of Criminal Law and Criminology* 68.1 (mar., 1977): 83-121. For a survey of *indultos* in Colombia see Mario Aguilera Peña, “Amnistías y *indultos*, siglos XIX y XX”, *Revista Credencial de Historia* 137 (may., 2001). Consultado en: <http://www.banrepcultural.org/blaavirtual/revistas/credencial/mayo2001/137amnistias.htm>. For context see John J. Moore Jr., “Problems with Forgiveness: Granting Amnesty under the Arias Plan in Nicaragua and El Salvador”, *Stanford Law Review* 43.3 (feb., 1991): 733-777.
13. K. J. Kesselring, *Mercy and Authority in the Tudor State* (Cambridge: Cambridge University Press, 2003) 136.
14. On this see Oscar Oszlak, “The Historical Formation of the State in Latin America: Some Theoretical and Methodological Guidelines for Its Study”, *Latin American Research Review* 16.2 (1981): 3-32. For an overview on popular culture and the development of legal codes as an element in state building see Lara Putnam, Sarah C. Chambers, and Sueann Caulfield, eds. *Honor, Status, and Law in Modern Latin America* (Durham: Duke University Press, 2005). On institutional state building in Colombia see Joshua M. Rosenthal, *Salt and the Colombian State. Local Society and Regional Monopoly in Boyacá, 1821-1900* (Pittsburgh: University of Pittsburgh Press, 2012).



articles 140 and 146 of the penal code of 1837. This process was formulaic as it appears nothing could have prevented the trial from moving forward but as the record is comprised of statements from the defendants, rather than the testimony from witnesses that dominated later stages of the trial, it provides a coherent account of their experiences. Prompted to explain how they had come to serve in a rebel force, the accused described the uncertain days of October 1840 when Agapito Labarcés led a rebellion in La Ciénaga de Santa Marta that came quickly under the leadership of Carmona, transforming the region into a theater of the war.<sup>15</sup>

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The War of the Supremes had begun as a regional rebellion in Pasto.<sup>16</sup> The rising was sparked by opposition to a Federal law closing smaller convents, the reason the conflict is sometimes termed the War of the Convents, and then developed into a broader rising led by José María Obando. While the initial revolt was relatively minor, it proved a catalyst for unrest across New Granada. Throughout 1840, rebellions took place across the country, usually led by a figure claiming to champion federalism and taking the title of “Supreme”. Carmona’s uprising in Santa Marta was merely one rebellion among many, though it took place at a time when the fortunes of the national government in Bogotá were at a low ebb. The armies of the Supremes González and Juan José Reyes Patria, who led the movement in the eastern highlands, had defeated the government at the battle of Polonia on September 29, and President Márquez had temporarily resigned from the presidency. When testifying, defendants stressed that the rumors spread in the wake of these notices had left the very survival of the national government in doubt.<sup>17</sup> Their questioners in Bogotá would have had their own view of these months, but the truth of these assertions was undeniable.

Of the accused, Captain José María Cárdenas provided the most detailed and credible story of being forced to serve under Carmona. A commander in the fourth battalion of Santa Marta before the war, Cárdenas alleged that neither the civil nor the military leaders of the city had responded to the insurrection in La Ciénaga or to the disorder signaling that the city was poised to join the rebellion.<sup>18</sup> His superiors had not supported his efforts either to discipline

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15. Arboleda, vol. 2, 316-321.

16. For a coherent overview see González, *Para leer la política*, vol. 2, 83-162.

17. Arboleda, vol. 2, 288-290.

18. This account is drawn from Cardenas’s response to the initial questions by the *fiscal* and the testimony requested by his *defensor* in an attempt to prove his innocence. See “Criminal seguida...” ff. 26-30, 105-132.

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soldiers for insubordination or to limit the influence of the merchant Andrés Masanet. Masanet, Cárdenas testified, was among those “most enthusiastic for the federation”, and he cultivated soldiers’ favor by offering them liquor and goods on credit. For his efforts, Cárdenas was lampooned; a *pasquín* fixed to his door that named him a coward who placed little value on the *patria*.<sup>19</sup> Then on October 13 more than three hundred men marched through the streets of the city under a banner proclaiming “*Viva la Federación!*”, shouting insults, and talking of their liberties, with no opposition. The next day Cárdenas, with a few other officers, attempted to gather forces and 10,000 pesos of government funds to flee by boat to el Chocó, hoping to join General Herrán there. They were found out and so Cárdenas was in Santa Marta when Carmona took the city. He was then drafted into service.

Though no defendant offered a tale of resistance to equal Cárdenas’s, all insisted that they had been forced to serve in the rebel army. More than a few emphasized that they were in their homes. Here the government’s failure to maintain political control over society was manifest in the violated of their domestic sphere, a rhetorical strategy casting Márquez’s abdication as an act that neutered their patriarchal authority. Here familialism was not the tool of legitimacy profiled by Chambers in Chile, but a source of contestation used to challenge the state’s authority. After all, how could the courts retroactively demand that people now suffer for the government’s earlier failure?

Two examples offer details on this process. Julián Ortega, a forty-one-year-old married laborer, testified that he was working in his house in La Ciénaga when the *jefe político* arrived and insisted he must serve in Carmona’s army. Ortega answered that he could not abandon his wife and seven children and then “retir[ed] to his house.”<sup>20</sup> The rebel response was to impress both Ortega as an officer and his son as an ordinary soldier. In his testimony, Ortega implicitly challenged the government by questioning its demands: should he have favored some theoretical *patria* over the life of his son? Jesus Blanquillo, a married forty year old from La Ciénaga, explained that he was on his farm, “occupied in his work”, when Labarcés forced him into service. When asked why he had not refused or fled, he responded that it was impossible to abandon his family or his interests, and that such a refusal would have cost him his life.<sup>21</sup>

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19. “Criminal seguida...” f. 109.

20. “Criminal seguida...” ff. 44-45v.

21. “Criminal seguida...” ff. 39-40. Fausto Ferrer, a married thirty-five-year-old tailor from Chiriguaná with prior military service was taken by the *jefe político*, leading

The claim that defiance meant death was a common refrain. Alejandro Morales, a seventeen-year-old second lieutenant, testified that seeing three men executed for desertion in Ocaña unnerved him to the point where he dared not flee.<sup>22</sup> The court only challenged such assertions on one occasion, when Acevedo declared he had been powerless to do anything but serve in the army, he was asked how he had, “dared to yield at the sight of [Carmona’s] proclamations, when his duty was to stay the course to the end (...) even to the point of sacrificing his life if this was what was necessary to sustain the Constitution”.<sup>23</sup>

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Though other defendants were not chastised in this fashion, the question of their obligations remained. In front of a judge in Bogotá in 1841, it was clear they had failed in their duties, but a year earlier, when Carmona had rounded up an army, such a reckoning was merely hypothetical. The court’s decisive questioning notwithstanding, the defendants had a point. The rebellion in La Ciénaga in late 1841 came when the government’s prospects were grim. The defeat at la Polonia had left the Supremes González and Reyes Patria in virtual control of the eastern highlands, with Bogotá undefended and the government deeply shaken.<sup>24</sup> Carmona faced little overt opposition when he called for federalism and created the autonomous province of Cibeles on the coast. Should a soldier such as José Antonio Elías, who was initially jailed when Carmona entered Santa Marta, have done more?<sup>25</sup>

When questioning these men, the judges in Bogotá could not acknowledge that there had been a real threat of national disaggregation, and they kept their focus on the laws and constitution of New Granada. Perhaps the constitution they referred to so often, or at least the idea of the nation it embodied, meant something to the defendant Alejandro Morales, who had been a child when Gran Colombia broke apart. But what about men such as fifty-seven-year-old Pablo Zapata or fifty-six-year-old José Antonio Elías, both born in the 1780s? They had witnessed the *Patria Boba* as young men and probably participated in the Wars of Independence in some fashion. They were mature adults when Gran Colombia gained independence and in

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an eight-man gang, “from his house by force” “Criminal seguida...” ff. 54-54v.

22. “Criminal seguida...” ff. 59-60.

23. “Criminal seguida...” f. 66v. Later in the trial evidence was presented that Acevedo had signed one of Carmona’s initial declarations, significantly undercutting such claims. “Criminal seguida...” f. 356.

24. Arboleda, vol. 2, 291-292.

25. “Criminal seguida...” f. 35v.-36.

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their forties when it splintered. Undoubtedly, they knew of the war begun in 1838 that ended the Central American Union. Perhaps they knew that the very year of Carmona's uprising a war involving Chile had ended the Peruvian-Bolivian confederation, a development eerily like Ecuador's invited incursion into Colombia during the War of the Supremes. Viewed from the present, the success of an independent Cibeles seems a very unlikely prospect. But at the time, was it so impractical that it might not be considered?

Beyond the tenuous loyalty to Bogotá along the Caribbean coast the atmosphere of confusion and insecurity must be considered. When asked whether he understood Carmona's goals, Simeon de la Roca answered that "he absolutely did not know what the purpose of the uprising was".<sup>26</sup> Juan Estevan Pastor, a silversmith from Cartagena, admitted some knowledge of broader affairs but explained that he had been under the impression that Carmona sought to reestablish the government at a meeting in Mompós in some sort of convention.<sup>27</sup> He added that "as a subaltern", he was not privy to the plans of his commanders.<sup>28</sup> Though such statements may have been a disingenuous attempt to escape conviction, they carry a note of truth.

### Captured at Tescua

By the end of March 1841, Carmona's force of 1,500 men equipped with artillery was campaigning around Socorro, the clash with Mosquera's army looming.<sup>29</sup> With his customary rigor, Gustavo Arboleda provides the details of Mosquera's triumph on April 1. Of the army from the coast, he tells us, 500 men were killed and 700 taken prisoner. Carmona, defeated, fled to Venezuela. The defendants' testimony on the battle and how they were captured does not prevent any clear sense events. Perhaps this is a natural product of the confusion of a battle but it seems more likely that the murkiness of their stories was a product of their goal to explain that, though they had served Carmona and been captured at Tescua, they had not truly opposed the government.

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26. "Criminal seguida..." f. 34v.

27. On this plan see Arboleda, vol. 2, 321.

28. "Criminal seguida..." f. 51.

29. Arboleda, vol. 2, 332.

Acevedo, for example, claimed he had been removed from his command before the battle but that he had worked to disrupt the battle plan.<sup>30</sup> Arboleda mentions a rumor to this effect in his account though at the time versions like those written by Colonel Joaquín M. Barriga the day after the battle and published as a supplement to *La Gaceta de la Nueva Granada* named Acevedo as a key commander.<sup>31</sup> But if Acevedo was remarkable for the attention to his case, his explanations were typical. Captain Manuel de la Barrera offered a similar story, explaining that he had always “belonged to the cause of the legitimate government”, testifying that he ordered those under his command not to fire, sending them “to the right and left” and had then hid in an abandoned house for three days until he could present himself to government forces.<sup>32</sup>

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In theory, how these men were captured might play into the court’s decision to charge them. The first witnesses called in Bogotá were soldiers who had fought for Mosquera at Tesuca and could offer information on this question. The few witnesses called on this point testified that all the accused, except for José María Cardenas and de la Barrera, were taken prisoner during the battle.<sup>33</sup> That this stage in the trial was merely a formality is evident in a list compiled on April 7 in Pamplona and presented to the court. The list named the officers taken prisoner at the battle, noting that six of the prisoners had already been released.<sup>34</sup> In reference to those sent to Bogotá an official reported, “There is no doubt that [the accused] took an active part in the faction acting against public order.” The process of charging these men was conducted legally, but the outcome was certain.

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30. “Criminal seguida...” f. 68.

31. Arboleda, vol. 2, 377-381, 380-81n3; and Joaquín M. Barriga, “Boletín de la 1.a división del ejército de operaciones”, *Suplemento a la Gaceta de la Nueva Granada* [Bogotá] 25 abr. 1841.

32. “Criminal seguida...” ff. 30-30v. Captain Francisco Castillo also claimed he ordered his men not to fight and then hid for three days, until the “mood was calmer”, before presenting himself to government forces. “Criminal seguida...” f. 32r.-32v.

33. “Criminal seguida...” ff. 22v.-23.

34. “Criminal seguida...” ff. 74-75, following quote from f. 75. This is not an argument that every trial had a predetermined outcome, some accused of the crime of rebellion were found innocent. “Administracion de justicia”, *Gaceta de la Nueva Granada* [Bogotá] 18 jul. 1841.

## The Defense

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On June 19, after the prisoners were charged, the court assigned each a defender.<sup>35</sup> These appointments prompted a number of requests, both from defendants seeking different representatives and from defenders asking to be excused from the obligation. This flurry of activity underscores the effort involved in managing a judicial process of this size according to the dictates of the law. In a typical request, José Garmendia's appointed defender, Claudio Urrisarres, forwarded a letter from a medical expert explaining that Urrisarres was hospitalized with "a grave illness in his breast" and could not serve.<sup>36</sup> Other ailments presented as excuses and confirmed by physicians included back problems and lung disorders. The court showed no more patience with these petitions than it did with justifications from the accused. The most notable attempt to be excused, however, had nothing to do with health. Archbishop Mosquera, named the defender of five of the accused, wrote to the court on June 21 asking to be exempted from duty.<sup>37</sup> He was refused. No matter how pressing his duties, the judge explained, the law allowed only grave illness as an excuse. The archbishop wrote again on the following day, pointing out that nothing in article 12 of the law of June 3, 1833, obliged him to defend five men. This note elaborated on the archbishop's many duties and was worded much more pointedly than the first request. It proved enough to get him out of defending all but José Felix Cifuentes.

Defending these men proved difficult. After periods of the war when various rebel armies appeared to have the upper hand, military victories in 1841 had given both the population and the regime confidence about the outcome of the war, stoking the inclination toward vengeance.<sup>38</sup> How this triumphant mood shaped popular sentiment toward trials such as this one is hard to specify, but the government's commitment to a judicial reckoning was clearly articulated. On June 13 the *Gaceta* published sections of the penal code of 1833 dictating proper procedure for prosecuting those accused

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35. "Criminal seguida..." ff. 77-78v. On the difficulty of finding jurors for press juries during the Porfiriato, see Pablo Piccato, *The Tyranny of Opinion: Honor in the Construction of the Mexican Public Sphere* (Durham: Duke University Press, 2010) 27-62.

36. "Criminal seguida..." f. 90.

37. "Criminal seguida..." ff. 84-87.

38. Arboleda, vol. 3, 3-16.

of sedition and conspiracy.<sup>39</sup> In this atmosphere, during the end of June and first half of July, defenders presented their cases on behalf of the accused. In theory, the presentation of friendly testimony confirming and elaborating the stories offered by the accused might make for dramatic revelations, but there were none. Even Cárdenas's defender, who asked that more than a dozen witnesses answer twenty-five detailed questions, introduced nothing new in this stage of the trial. The only truly new element presented at this point was the argument of Francisco J. Zaldúa, who defended Manuel de la Barrera, José Aguinagelde, and Pablo Zapata, challenging the premise that there had been a crime and attempting to overturn the decision to charge these men formally.<sup>40</sup> He argued that there was no "malice" inherent in their actions and no intent to commit any crime, conditions specified in the criminal code as part of the crimes in question. The court paid this argument no mind.

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Even when witnesses confirmed and elaborated the versions offered by defendants, a number of factors limited their impact. First, defenders often relied on testimony from the other officers taken at Tescua. Though they were usually the only eyewitnesses available, their version of affairs was suspect. Second, some witnesses did not actually corroborate the stories offered. Finally, some of the witnesses sought were not in Bogotá, so it was difficult to procure their testimony in the fifteen days allowed.<sup>41</sup> At the beginning of the proceedings, officials admitted it would have been better to hold such trials where the crimes were committed, but they made it clear that only Bogotá could be considered a sufficiently safe venue.<sup>42</sup> Even though requests

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39. *Gaceta de la Nueva Granada* [Bogotá] 13 jun. 1841. The *Gaceta* ran news on trials in various provinces; see, for example, "Administración de Justicia", *Gaceta de la Nueva Granada* [Bogotá] 18 jul. 1841. On the more general effort to settle with rebels, see "CUADRO: Que manifiestas los individuos que tomaron parte en la rebelión del año anterior en esta provincial i que se hallan", junio de 1841. AGN, Bogotá, S. República, F. Gobernaciones de Tunja, t. 26, f. 557.

40. The argument was made explicitly in de la Barrera's defense but was intended to apply to the other two men as well; see "Criminal seguida..." ff. 423-426.

41. See letters asking about mail routes to parts of the country affected by the war, "Criminal seguida..." ff. 99-102, 406. In a note, Sebastián Esguerra reported that so much testimony arrived after the initial convictions that it required a separate file of eighty-three sheets; see "Administración de de Justicia", *Gaceta de la Nueva Granada* [Bogotá] 12 sept. 1841.

42. "Criminal seguida..." f. 19-19v. For a discussion contextualizing the limits of incarceration, see Jesús Antonio Muñoz Gómez, "Notes toward a Historical

for testimony from outside Bogotá remained unfulfilled, the verdict was delivered on July 19. All the defendants were found guilty of rebellion and sedition. Twenty-one of them were sentenced to death, and all were fined. Felix Cifuentes, represented by the archbishop, was sentenced to ten years in prison and six of military service.<sup>43</sup>

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### Appeals and Indultos

After the sentences were delivered, the story of the officers from Tescua folded into the larger spectacle of public executions captivating Bogotá at the end of July. The main event in that drama was the execution of Colonel Vicente Vanegas Olarte, who had been captured during the battle at Aratoca on July 31.<sup>44</sup> After he was convicted and sentenced Vanegas was transformed, in the public mind, from a criminal rebel to a sympathetic figure. Many urged a grant of clemency, but Aranzazu refused to grant him an *indulto*.<sup>45</sup> In support of this refusal, the *Gaceta* published testimony from Vanegas's trial underscoring his guilt.<sup>46</sup> A few weeks later it published Aranzazu's formal denial of an *indulto* for Vanegas. The decree described how Vanegas had violated the terms of an *indulto* he received after participating in an insurrection in Vélez in 1839.<sup>47</sup> As *indultos* were always granted on the condition of future good behavior, they precluded any excusable participation in later rebellions. There would be no clemency for Vanegas.

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Understanding of the Colombian Penal System”, *Crime and Social Justice* 30 (1987): 60-77. For context on the relatively late development of such a system in Colombia, see Ricardo D. Salvatore and Carlos Aguirre, eds., *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940* (Austin: University of Texas Press, 1996).

43. “Criminal seguida...” ff. 484v.-490. While the court explicitly rejected the archbishop's arguments on Cifuentes's innocence, it acknowledged he had proved that Cifuentes had voluntarily joined the government's forces during the battle.

44. Arboleda, vol. 3, 42-43.

45. Arboleda, vol. 3, 42, nota 2. For a heroic account of his life and execution, see the entry for Vanegas in José María Baraya, *Biografías militares. O, historia militar del país en medio siglo* (Bogotá: Imprenta de Gaitán, 1874) Consultado en la Biblioteca Virtual, Biblioteca Luis Ángel Arango: <http://www.banrepcultural.org/blaavirtual/historia/biomi/biomi39.htm>.

46. *Gaceta de la Nueva Granada* [Bogotá] 25 jul. 1841.

47. On this decree, see *Gaceta de la Nueva Granada* [Bogotá] 8 ago. 1841.



Though the nature of the interplay between Vanegas's sentence and the fate of the officers from Tescua is impossible to tease out from a few references in the *Gaceta* or the judicial record, it was not coincidental that on July 29, two days before Vanegas's execution and with little prelude in the record, Aranzazu issued a decree of *indulto* for José Antonio Elías, Manuel de la Barrera, José María Cárdenas, and Francisco Castillo. In explanation, the decree cited the defense the men had offered unsuccessfully to the court, "though they were found in the army under the traitor Carmona[,] they did not belong voluntarily to this cause."<sup>48</sup> In a satisfying development for the government, Cárdenas, de la Barrera, and Castillo promptly volunteered for military service. In a letter written on August 2 and published in the *Gaceta* on the same page as the decree denying Vanegas clemency, the three reviewed their forced service under Carmona and explained that in response to Aranzazu's benevolence, as well as to satisfy their "powerful desire to participate in the reestablishment of order", they were asking to be admitted into the army.<sup>49</sup> They were commissioned as second lieutenants in the National Guard.

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Nothing happened for the next few weeks. Then, on August 14, Aranzazu issued an *indulto* commuting the sentences of fifteen of the officers captured at Tescua: Simeón de la Rosa, José Dolores Aguinagalde, Julian Ortega, José de Jesús Blanquillo, Pedro Troyano, José María Garmendia, Antonio Escobar, Tomas Ebralt, Juan Estevan Pastor, Manuel Linares, Fausto Ferrer, José Hilario Padilla, Manuel Lineros, Pablo Zapata, and Alejandro Morales; it further commuted the sentences of Pedro Troyano, Marcelo Galiano, and Juan Nepomuceno Rincón, who had been captured elsewhere. All would have to serve in the military and pay fines.<sup>50</sup> The only ones remaining under a death sentence were José García, who had testified favorably for Acevedo; Joaquín Anastasio Márquez, who as a lieutenant colonel was the second-highest-ranking officer among those captured; and Acevedo. Felix Cifuentes still faced a sixteen-year sentence.

As the second half of August passed without anything to equal the drama of the first, the court began to receive testimony taken in other cities, which the judge Sebastián Esguerra dutifully collected. His sympathetic

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48. "Criminal seguida..." f. 495.

49. *Gaceta de la Nueva Granada* [Bogotá] 8 ago. 1841.

50. "Criminal seguida..." f. 502. There is relatively little in the trial record between the first *indulto*, at the end of July, and this one, in mid-August.

handling of late-arriving testimony may appear to contradict the quick dismissal of the defendants' claims of innocence, but both actions reflected an effort to maintain legal procedure. Judges in various trials noted that they had no choice but to find rebels guilty and pronounce the "ultimate" sanction. These same judges, however, called on Aranzazu to issue *indultos*, the only legal avenue of mercy.<sup>51</sup>

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The wayward path traveled by the mail carrying requests for this late testimony illustrates some of the challenges of conducting this trial and subsequent appeals. Some of the witnesses sought were on the move as they campaigned. A number of requests sent to Cartagena had to be forwarded to Popayán, where testimonies were taken before being returned to Bogotá. This testimony contained little that had not already been offered, though some of the questions turned from the issue of innocence to the honorable comportment of the accused.<sup>52</sup> The most notable testimony was provided by General Joaquín Posada Gutiérrez, who answered questions about a number of defendants.<sup>53</sup> In considering Acevedo, Gutiérrez spoke well of him as a person and asserted that though his actions in Cartagena may have reflected weakness, they did not constitute treachery. This was hardly the sort of response that would overturn a death sentence. On September 1, a judge confirmed the sentence for those still in prison, noting that nothing in this additional testimony provided reason to change the verdicts.<sup>54</sup>

On September 7 Aranzazu decreed an *indulto* for José García and Felix Cifuentes.<sup>55</sup> Another followed for Joaquín Anastasio Márquez on September 20. There is no explanation for these *indultos*, though it is clear that the prospect of these men's executions was more than the government was prepared to bear. Acevedo, however, seemed fated to pay with his life as Aranzazu

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51. See, for example, a note from the court written on September 1 reporting that the court had no reason to change the sentence because new evidence had not "indicated anything novel in the fundamentals of the sentence pronounced", "Criminal seguida..." f. 515. In refusing one appeal, the judge noted that the court had no power to change a sentence before urging Aranzazu to grant an *indulto*. "Criminal seguida..." f. 572.

52. "Criminal seguida..." f. 555.

53. For the requests for testimony from Gutierrez, his testimony, and related documents, see "Criminal seguida..." ff. 519-534.

54. "Criminal seguida..." f. 515v.

55. "Criminal seguida..." ff. 569-570.

appeared unmovable.<sup>56</sup> On September 22 the judge wrote to the *jefe político* with instructions to prepare for the execution. Only then, as described above, was Acevedo saved by the promises of the British ambassador and the timely intercession of the archbishop, though José Azuero was executed. In time Acevedo returned from exile and resumed his military career, eventually rising to the rank of general. According to Baraya, he completed the arc of this story by proving himself loyal to Mosquera's government in 1867.<sup>57</sup>

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The reasons for Aranzazu's grant of *indulto* are not only clear in record; they were explained to the public at the time. In a challenge to the idea that acts of clemency are intended to foster public amnesia as a means to move society past a moment of traumatic division, the *Gaceta* published a number of pieces explaining the decision.<sup>58</sup> On September 26 it carried, in sequence, Aranzazu's decree from September 20 denying Azuero and Acevedo an *indulto*; a message from the British ambassador offering to help the government deal with rebels along the coast; and a piece explaining that the aid was offered in return for the *indulto*. In the decree, Aranzazu stated that though the council of state remained unmoved by pleas for mercy, British aid might save the lives of hundreds of loyal Granadinos who lived under the threat of rebellion. The offer could not be refused.

This remarkable display of official ambivalence and public instruction typified the way that judicial reckoning and executive clemency played out. The same few months brought the publication of Aranzazu's decree denying *indultos* for Pablo Vegal and José Antonio Gutiérrez.<sup>59</sup> In the decree concerning Vegal, Aranzazu explained that clemency would not spur rebels to consider peace but rather embolden them, for it would remove the fear

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56. On Aranzazu's stance against *indultos*, see Arboleda, vol. 3, 42.

57. Baraya wrote that the pardon came "a favor del interes que tomó en esto la población de la capital, casi en masa". "Jeneral Acevedo", *Biografías militares*. Consultado en: <http://www.lablaa.org/blaavirtual/historia/biomi/biomi61.htm/>. Acevedo was also mentioned as having fought for the Constitutionals against Melo's forces at the end of that war. "Petition of José María Morales Duarte", 1855. AGN, Bogotá, S. República, Gobernaciones, SR 46, rollo 72, f. 432.

58. See a discussion on this point in Ann M. Schneider, "Amnestied in Brazil, 1895-1985", Ph.D dissertation, Chicago: University of Chicago, 2008, 21-22.

59. See "Negando la conmutación de la pena de muerte", *La Gaceta de Nueva Granada* [Bogotá] 22 ago. 1841. "Negando la conmutación de la pena de muerte", *La Gaceta de Nueva Granada* [Bogotá] 10 oct. 1841.

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of prosecution.<sup>60</sup> Over the same stretch of time, however, he commuted the death sentences of five men in addition to Acevedo: Mariano de Jesús España, Joaquín Solano, José Ignacio Rojas, Buenaventura Ranjel, and Manuel María Pimentel.<sup>61</sup> In the decree of *indulto* for España, Aranzazu explained that if the law were followed to the letter, hundreds would be executed and the public would become “accustomed to such a spectacle, stripping this terrible penalty of its most important effects”. Further, if the government appeared too vicious, it would dampen the hatred people felt for the rebels’ crimes. In this context of justice applied and mercy granted, the trial of the officers captured at Tescua faded into the blur of reckoning that characterized civil conflicts.

### Conclusion

The trial of the officers captured at Tescua makes for a satisfying story. From the rebellion in La Ciénaga to the dénouement of the last minute pardon in Bogotá, it features compelling characters, dramatic tension, sudden reversals, and a resolution. As an object of historical inquiry, however, its meaning is less straightforward. The trial tested both the precarious state and its inchoate legal system. Even the apparently straightforward judicial insistence of limited power was an attempt to establish a working system of law. As with many aspects of state construction, the process ultimately encompassed far more than those who initiated it intended. The expansive nature of this judicial had two distinct components. Both shed light on the nature of political life in the early republic.

The first component involved the increasing number of people drawn into the trial’s legal mechanics and those of subsequent appeals. Every stage required that more people participate in rituals of state authority. Whether as defenders or witnesses, and without counting government officials or notaries, by August 1841 several hundred men had participated in the process of state judgment, and their contributions would theoretically be factored into

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60. In his analysis of the war on a regional level, González names Aranzazu as a key figure in the rivalries of Antioquia. It is possible that his refusal to grant *indultos* to those from Antioquia was tied to that role. González, “A propósito de...” 52.

61. See *La Gaceta de Nueva Granada* [Bogotá] 22 agos. 1841 and 7 nov. 1841. The *Gaceta* regularly included reports on rebels on trial in various provinces in the section “Administración de justicia”.

the final pronouncement on the defendants.<sup>62</sup> Each witness or representative faced the question of what they would have done if they had faced the same situation as those being prosecuted? Would prior acts in defense of the republic counterbalance actions performed under threat of death? For witnesses, to testify was to step away from the anonymity where righteousness could be assumed without being tested. The increasingly large pool of witnesses also meant that more and more people were implicitly involved in rendering judgment. It is possible that the threat of ever more participants factored into the *indulto* Aranzazu issued on August 14, for this decree cut short the inevitable process where more than a dozen condemned men would seek further testimony that might prevent their execution.

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The case was also expansive in its growth as a public spectacle that would culminate with a public execution. Kesselring's comments on the theatrical nature of pardons in England emphasize how acts of grace reinforced authority. If a temporary executive such as Aranzazu could not be sure that offering *indultos* conveyed legitimacy, it was quite clear that the theater of executing Vanegas and other such veterans of the Wars of Independence would have a cost that Aranzazu was prepared to pay in only a few, select cases. Of course, every grant of *indulto* ensured that future rebels would be more aggressive in pursuing similar decrees. In this light the process of *indultos* extended the temporal range of civil wars, by producing continued reports on events that had taken place and prompting appeals long after the last battles were fought. The cumulative effect was an unconscious, collective negotiation with the government over the terms of criminal responsibility by the population at large.<sup>63</sup>

This collective effort, disorganized and prompted by a hundreds of personal concerns, did not have any clear or immediate effect, but it must have influenced the four new constitutions passed in a little more than two decades after the war. The abolition of the death penalty for political crimes in 1849 was an important legal reform, though in general histories it tends to be overshadowed by the momentous fiscal reforms of the period and the

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62. For letters concerning requests from José María Cardenas, see "Criminal seguida..." ff. 538-555.

63. On the dynamics of a forming legal culture see Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field", trans. Richard Terdiman, *Hastings Law Journal* 38.805 (1986): 805-853; Mauricio García Villegas, "On Pierre Bourdieu's Legal Thought", *Droit et Société* 56-57.1 (2004): 57-70.

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final abolition of slavery.<sup>64</sup> Almost a decade passed between the executions of 1841 and this reform, which limits claims that the specter of an engaged crowd was directly linked to this abolition. But it would be equally foolish to argue that there was no connection between the two. How many of the artisans of 1854, members of artisan societies and National Guard units, as well as supporters of Colombia's most famous *indultado*, José María Obando, witnessed these executions or the dramatic news delivered by the archbishop in 1841? How did it affect attitudes among Draconian Liberals? How many elites among the Gólgota Liberals, who supported abolishing the death penalty had been unnerved by the spectacle of Vanegas' execution and Acevedo's last minute reprieve?<sup>65</sup> A single trial in 1841, no matter how many details there are, cannot answer these questions, but it shows how examining *indultos* offers a deeper sense of the connection between popular reaction to moments of crises and the changing politics of the era.

Surveying the history of the men captured at Tesuca and tried in Bogotá provides little in the way of sure answers to the questions posed and points made by Posada-Carbó, Chambers, and the others cited at the beginning of this article. The richness of *indultos* as a means for delving into the popular experience of politics is clear but not how the experience shaped the trajectory of politics in the early republic. Officials were more likely to articulate the importance of constitutionalism than they were to respond to defendants references to family, but this tendency only underscores the charge that it was the state itself which had failed the accused.

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64. On the relation between civil wars and these constitutions, see Marie-Laure Basilien-Gainche, "La constitucionalidad de contienda. La promoción jurídica de la guerra civil en la Colombia del siglo XIX", *Historia Crítica* 35 (ene-jun., 2008): 130-149.

65. For a discussion of elite suspicions of the general population see Gilberto Enrique Parada García, "La retórica del miedo en la prensa bogotana de 1834", *Historia Crítica* 36 (jul.-dic., 2008): 58-81.

## WORKS CITED

## I. Primary Sources

## Files

Archivo General de la Nación, Bogotá (AGN)

Sección República

Fondo: Asuntos Criminales, Gobernaciones, Gobernaciones Varias

[153]

## Newspapers

*La Gaceta de la Nueva Granada* [Bogotá] 1841.

## Print and Digital Documents

Barriga, Joaquín M. "Boletín de la 1.<sup>a</sup> división del ejército de operaciones". *Suplemento a la Gaceta de la Nueva Granada* [Bogotá] 25 abr. 1841.

Bolívar, Simón. *Proclama de Bolívar al ejército español 1820*. Consultado en: <http://www.bibliotecanacional.gov.co/?idcategoria=38866>.

*El voto de clemencia pronunciado por la Nación Venezolana, en la cuestion de la indulto para los conspiradores de Julio de 1835*. Caracas: Imprenta de A. Damirom, 1836. Consultado en Harvard University Digital Collections: <http://pds.lib.harvard.edu/pds/view/6783644>

*Indulto General de El Rey, 1817*. Bogotá: Imprenta de Nicomedes Lora, 1817.

*Indulto: don Pablo Morillo Teniente General de los reales exercitos, general en jefe del expedicionario pacificador*. Bogotá: Imprenta de D. B. E., 1816.

"Jeneral Acevedo". *Biografías militares*. Consultado en: <http://www.lablaa.org/blaavirtual/historia/biomi/biomi61.htm/>

María Baraya, José. *Biografías militares. O, historia militar del país en medio siglo*. Bogotá: Imprenta de Gaitán, 1874. Consultado en la Biblioteca Virtual, Biblioteca Luis Ángel Arango: <http://www.banrepcultural.org/blaavirtual/historia/biomi/biomi39.htm>

## II. Secondary Sources

Aguilera Peña, Mario. "Amnistías y indultos, siglos XIX y XX". *Revista Credencial de Historia* 137 (may., 2001). Consultado en: <http://www.banrepcultural.org/blaavirtual/revistas/credencial/mayo2001/137amnistias.htm>

[154]

- Arboleda, Gustavo. *Historia contemporánea de Colombia. Desde la disolución de la Antigua República de ese nombre hasta la época presente*. 3 vols. Bogotá: Banco Central Hipotecario, 1990.
- Basilien-Gainche, Marie-Laure. "La constitucionalidad de contienda. La promoción jurídica de la guerra civil en la Colombia del siglo XIX". *Historia Crítica* 35 (ene-jun., 2008): 130-149.
- Bourdieu, Pierre. "The Force of Law: Toward a Sociology of the Juridical Field". Trans. Richard Terdiman. *Hastings Law Journal* 38.805 (1986): 805-853.
- Chambers, Sarah C. "The Paternal Obligation to Provide: Political Familialism in Early-Nineteenth Century Chile". *The American Historical Review* 117.4 (oct., 2012): 1123-1148.
- García Villegas, Mauricio. "On Pierre Bourdieu's Legal Thought". *Droit et Société* 56-57.1 (2004): 57-70.
- González González, Fernán. *Para leer la política. Ensayos de historia política colombiana*. Vol. 2. Bogotá: Cinep, 1997.
- González González, Fernán. "A propósito de 'Las palabras de la guerra'. Los comienzos conflictivos de la construcción del Estado nación y las guerras civiles". *Estudios Políticos* 25 (jul.-dic., 2004): 37-70.
- Herzog, Tamar. "El rescate de una fuente histórica: los libros de visita de cárcel (El caso de Quito, 1738-1750)". *Anuario de Estudios Americanos* 52.2 (dic., 1995): 251-261.
- Jurado Jurado, Juan Carlos. "Soldados, pobres y reclutas en las guerras civiles colombianas". *Revista de Indias* 64.232 (2004): 673-696.
- Kesselring, K. J. *Mercy and Authority in the Tudor State*. Cambridge: Cambridge University Press, 2003.
- López González, Georgina. "Cultura jurídica e imaginario monárquico: las peticiones de indulto durante el Segundo Imperio Mexicano". *Historia Mexicana* 55.4 (abr-jun., 2006): 1289-1351.
- Loveman, Brian y Elizabethe Lira. *Leyes de reconciliación en Chile. Amnistías, indultos y reparaciones, 1819-1999, Fuentes para la historia de la República*. Vol. 17. Santiago de Chile: Ediciones de la Dirección de Bibliotecas, Archivos y Museos, 2001.
- Martínez Carreño, Aída. *La Guerra de los Mil Días. Testimonios de sus protagonistas*. Bogotá: Planeta, 1999.
- Moore, John J. Jr. "Problems with Forgiveness: Granting Amnesty under the Arias Plan in Nicaragua and El Salvador". *Stanford Law Review* 43.3 (feb., 1991): 733-777.



- Muñoz Gómez, Jesús Antonio. "Notes toward a Historical Understanding of the Colombian Penal System". *Crime and Social Justice* 30 (1987): 60-77.
- Oszlak, Oscar. "The Historical Formation of the State in Latin America: Some Theoretical and Methodological Guidelines for Its Study". *Latin American Research Review* 16.2 (1981): 3-32.
- Parada García, Gilberto Enrique. "La retórica del miedo en la prensa bogotana de 1834". *Historia Crítica* 36 (jul.-dic., 2008): 58-81.
- Phelan, John Leddy. *The People and the King: The Comunero Revolution in Colombia, 1781*. Madison: University of Wisconsin Press, 1978.
- Piccato, Pablo. *The Tyranny of Opinion: Honor in the Construction of the Mexican Public Sphere*. Durham: Duke University Press, 2010.
- Posada-Carbó, Eduardo. "Preface". In *Search of a New Order: Essays on the Politics and Society of Nineteenth-Century Latin America*. Ed. Eduardo Posada-Carbó. London: Institute of Latin American Studies, 1998.
- Putnam, Lara, Sarah C. Chambers, and Sueann Caulfield, eds. *Honor, Status, and Law in Modern Latin America*. Durham: Duke University Press, 2005.
- Rosenthal, Joshua M. *Salt and the Colombian State. Local Society and Regional Monopoly in Boyacá, 1821-1900*. Pittsburgh: University of Pittsburgh Press, 2012.
- Salvatore, Ricardo D. and Carlos Aguirre, eds. *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*. Austin: University of Texas Press, 1996.
- Schneider, Ann M. "Amnestied in Brazil, 1895-1985". Ph.D. Dissertation. Chicago: University of Chicago, 2008.
- Sebba, Leslie. "The Pardoning Power: A World Survey". *Journal of Criminal Law and Criminology* 68.1 (mar., 1977): 83-121.
- Tirado Mejía, Álvaro. *Aspectos sociales de las guerras civiles en Colombia*. 2.<sup>a</sup> ed. Medellín: Colección Autores Antioqueños, 1995.
- Uribe de Hincapié, María Teresa and Liliana López. *Las palabras de la guerra. Las guerras narradas del siglo XIX*. Medellín: Instituto de Estudios Políticos, 2003.
- Uribe de Hincapié, María Teresa y Jesús María Álvarez. *Raíces del poder regional. El caso antioqueño*. Medellín: Editorial Universidad de Antioquia, 1998.
- Uribe-Urán, Víctor M. "'Iglesia me llamo': Church Asylum and the Law in Spain and Colonial Spanish America". *Comparative Studies in Society and History* 49.2 (2007): 446-472.
- Uribe-Urán, Víctor M. "Innocent Infants or Abusive Patriarch? Spousal Homicides, the Punishment of Indians and the Law in Colonial Mexico, 1740s-1820s". *Journal of Latin American Studies* 38.4 (2006): 793-828.

Zemon Davis, Natalie. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Stanford: Stanford University Press, 1987.

Zimmermann, Eduardo A. "El poder judicial, la construcción del estado, y el federalismo: Argentina, 1860-1880". In *Search of a New Order: Essays on the Politics and Society of Nineteenth-Century Latin America*. Ed. Eduardo Posada-Carbó. London: Institute of Latin American Studies, 1998.

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